

MORRIS, NICHOLS, ARSHT & TUNNELL

1201 NORTH MARKET STREET  
P.O. Box 1347  
WILMINGTON, DELAWARE 19899-1347  
302 658 9200  
302 658 3989 FAX

MARYELLEN NOREIKA  
302 351 9278  
302 425 3011 FAX  
mnoreika@mnst.com

January 18, 2006

**BY EFILING & HAND DELIVERY**

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
844 King Street  
Wilmington, DE 19801

Re: Affymetrix, Inc. v. Illumina Inc., C.A. No. 04-CV-901 JJF

Dear Judge Farnan:

We have Illumina's January 18 letter responding to Affymetrix's letter about the defects in Illumina's original and supplemental privilege logs, and promising a revised log shortly.

As directed by the Court last week, on January 17, Affymetrix submitted 40 documents for the Court's review. Prior to submitting those documents, Affymetrix reviewed Illumina's January 16 letter and removed from the submission to the Court documents that Illumina promised to address. Thus, the 40 documents submitted should not include documents that Illumina has already addressed in correspondence with Affymetrix.

We have not received a revised privilege log from Illumina. To the extent that Illumina submits such a log to Affymetrix or the Court, we request the Court to direct Illumina to provide a red-lined version so that any changes are readily identifiable.

Respectfully,

/s/ Maryellen Noreika (#3208)

Maryellen Noreika

MEN/bav

cc: Peter T. Dalleo, Clerk (By Hand Delivery)  
Richard K. Herrmann, Esquire (By Hand Delivery)  
Marcus E. Sernel, Esquire (By Fax)